

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

RICKY UPCHURCH as Executor of  
The Estate of JUANITA UPCHURCH,  
For the use and benefit of the next of kin of  
CLAYTON UPCHURCH,  
Decedent,

vs.

C.A. No. 2:19-CV-00149-PLR

NATIONAL RIFLE ASSOCIATION (NRA), and  
LINA, INC.  
Defendant.

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND**

Plaintiff, by his undersigned attorneys, move this court for an order pursuant to Rule 15(a), Federal Rules of Civil Procedure for leave to file an amended complaint. The grounds for this motion are set forth in the accompanying memorandum. The amendments will not result in prejudice to the substantial rights of the defendant.

A copy of the proposed amended complaint is filed with this motion. The amendments are as follows:

1. The plaintiff moves for leave to amend the original complaint by striking "poker tournament" of paragraph 3, and inserting in its place, "pool tournament."
2. The plaintiff moves for leave to amend the original complaint by striking the date of death listed in paragraph 8 "September 4, 2014," and inserting in its place, "August 22, 2014."
3. After correspondence with the defendant, the plaintiff has learned that LINA, Inc. also maintains the policy in question. As such, the plaintiff moves to add LINA, Inc as a named

defendant. The plaintiff moves to maintain the action against both LINA, Inc., the principal corporation, as well as the National Rifle Association (NRA), the agent organization, as they both worked in concert to bring about the breach of contract upon the plaintiff.


4. The plaintiff moves for leave to amend the original complaint by striking the name of the hospital listed in paragraph 8 "Jamestown Regional Medical Center" and inserting in its place, "Desert Springs Hospital".

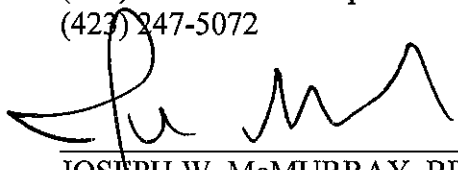
WHEREFORE, plaintiff respectfully requests that this court grant plaintiff's motion to leave to file an amended complaint.

Respectfully submitted,

RICKY UPCHURCH as Executor of the Estate of  
Juanita Upchurch for the use and benefit of the next of  
kin of Clayton Upchurch, Decedent

By:

  
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COST BOND

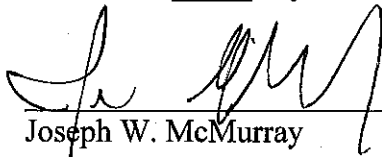
We acknowledge ourselves sureties for the payment of all costs of this cause.

  
R. WAYNE CULBERTSON

**CERTIFICATE OF SERVICE**

I, Joseph W. McMurray, hereby certify that I have forwarded a true and exact copy of the foregoing Plaintiff's Motion for Leave to Amend to the defendant's attorney, Marcie Bradley via email to: [mbradley@rswlaw.com](mailto:mbradley@rswlaw.com).

On this the 15 day of November, 2019.

  
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Joseph W. McMurray